

In Memoriam

Alexander Caggart McGill



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In Memoriam
Alexander Taggart McGill

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Stumenberg Press, New York

Born October 20, 1843, at Alleghany, Pa.

Graduated from Princeton College, June, 1864.

Admitted to the Bar, November, 1867.

Settled in Jersey City, N. J., January, 1868.

Partnership with Hon. Robert Gilchrist, 1871 to 1877.

Partnership with Isaac S. Taylor, March, 1878, to May 1, 1887.

Member of Assembly, 1874 and 1875.

Prosecutor of Pleas, Hudson County, April, 1878, to April, 1883.

Law Judge, Hudson County, April, 1883, to April, 1887.

Chancellor of New Jersey, May 1, 1887, to his death.

Died, at Jersey City, Saturday, April 21, 1900.

Funeral Services.

THESE were rendered on Tuesday, April 24, first and privately at his home in Jersey City, the Rev. Frederick E. Mortimer, Rector of St. Mark's Protestant Episcopal Church, officiating, after which and transportation to Princeton public services were there held in the First Presbyterian Church, the church of his family and boyhood and youth.

At these services Rev. Dr. Patton, President of the University, read First Corinthians, Chapter 15.

Prayer was offered by Rev. B. B. Warfield, D. D., of Princeton Theological Seminary, and the benediction was pronounced by Dr. Patton.

Preceding and during the services the University Quartette rendered the hymns "Jesus, Lover of My Soul," "Rock of Ages" and "The Strife Is O'er."

At the grave in Princeton Cemetery the Burial Ritual of the Protestant Episcopal Church was read by Rev. Mr. Mortimer, who also impressively recited the hymn "Now the Laborer's Task Is O'er."

Prefatory.

THE Easter flowers of 1900 had scarcely lost their fragrance when the sods of the old Cemetery at classic Princeton were broken to receive the lifeless form of Alexander Taggart McGill.

Although the walls of the venerable Church had resounded to a song of triumph as his remains were borne therefrom—the pæan of his victories—every heart knew its own bitterness on that sad day; nor has any that was bound to his in the ties of affection, or even friendship, yet quaffed from consolation's cup the satisfying draught which can take that bitterness away.

There in that consecrated resting place of the departed we left him, beside father, mother and brothers who had preceded him to the realms of the vast Beyond, and surrounded by the many illustrious who with him abide “until the day break,” and the hallowed field of sepulture contains no clay that was the tenement of a nobler soul or the encasement of more perfect manhood.

Farewell! Dear cherished friend of many years and partner of my sweetest decade since those of youth and childhood passed away—the one made so bright by close commune with thee and traversed with the assistance of thy guiding hand.

And yet we are not comfortless.

The precious memories come. We need not summon them, for they approach unbidden to nestle in our hearts and yield the charm and comfort of their presence

and to make us thankful that we were privileged to be of him, with him, yes, even under him and subject to his decrees.

They come not singly and alone, or straggling far apart, or with only here and there a beauteous form, or flitting in the swiftness of a passing thought, but in assembled, marshalled company of such entrancing grace that they all are welcome guests indeed, and their sweet lingerings are our delight.

As they reach the threshold of our hearts they are not silent—they more than speak—they sing to us the delicious music of his life, and thus their song is heard :

Admit us, ye who miss the manly form
And noble life that once was yours to know
And love, but now have vanished from thy sight.
Oh! prithee, let us fill his vacant place,
Or, if that cannot be, we claim our own,
Reserved for us in ev'ry stricken heart.

And clustering there, in unison with thee
In tender strains, we'll voice his modesty.
His gentleness, his wit, his winsome ways,
His genial nature, purity of mind,
The enriching influence of his love,
The charm of friendly intercourse with him.
And then in chiming choral melody
We'll sing of him as Honor's very soul
And Dignity's exalted regal throne,
The Counsellor, the Judge, the Chancellor,
Beloved, revered, without reproach, and just,
The true embodiment of equity,
His name a synonym of rectitude,
His life, exemplar of the Christian life.

Could life more charming or perfected be
Than this we now rehearse in honest song?
No! Surely not. And this dear life was thine
To know, to feel, and be partakers of.
Blest privilege! And it shall find we know
A thankful chord that thou shalt strike with us.

Thus would we change to symphony of joy
The saddened solos of thy grieving hearts.

They have entered and found abiding place, and become indeed our willing and charming captives, but we fain would give, at least to some of them, as crystallized by those who knew him best, the freedom of the printed page, and, wafting them from heart to heart among the friends he left on earth, let them weave the entwining love strands that shall bind us all together in the unison of affectionate and admiring remembrance he so well deserved.

And may the tributes which respect and love for him have called forth and phrased in the expressions of sincerity, and which are here collated, serve to keep him still within our ken—to almost bring him back.

ISAAC S. TAYLOR.

In Memoriam.

DR. SAMUEL JOHNSON, in his sketch of the Life of Joseph Addison, says: "As the process of these narratives is bringing me among my contemporaries, I begin to feel myself walking upon ashes under which the fire is not yet extinguished, and coming to the time of which it will be proper rather to say nothing that is false, than all that is true."

Biographers of great men are apt to walk by the same rule: to present only the attractive side of their heroes' careers, and to cover with the broad mantle of charity even a multitude of sins. There is no need to do this in this brief sketch of the life and character of him to whom this unworthy memorial is raised. Without fear of scorching our feet in walking over them, we would rather gather the smouldering ashes, breathe them into a flame, and let them, themselves, illumine the noble and beautiful life whose untimely death we mourn.

A good, pure, honest, honorable life speaks for itself. Nothing can be added to its didactic eloquence by the voice of eulogy. No greater charm can be given by the pen of a writer than that which appears in its own coronal graces. Such a life was that of Alexander Taggart McGill. He was a good man in the best sense in which that word can be used as pertaining to manliness of conduct and to morality of character. He was good by heredity; well born—"a son of the manse"; well bred in the environment of a Christian home; well cultured by scholastic training. A name-

sake of his father, the Reverend Alexander T. McGill, D. D., LL. D., he received by inheritance an excellent name and mental endowments which well qualified him to be the quick discerner of truth and the strict administrator of justice which characterized his professional and judicial career. In both paternal and maternal ancestry he was of the purest strain of Scotch-Irish descent—a stock which has furnished more of the brawn and the brain of American citizenship than is derived from any other line of heredity. On his mother's side he was from staunch Colonial and Continental stock. His great-grandfather was Lieutenant-Colonel Thomas Turbett, who bore that rank in Washington's army. His maternal grandfather, General George McCulloch, rendered efficient service to his native State as Member of Congress and also as State Senator.

Chancellor McGill was born at Alleghany, Pa., October 20, 1843, soon after his father had removed from the pastorate of a church in Carlisle, to assume the duties of professor in the Western Theological Seminary in that city. In 1856 Dr. McGill was transferred to the Theological Seminary in Princeton. Alexander, Jr., was yet a youth, and received his early training at Edge-Hill School and at Lawrenceville Academy. He entered Princeton College and was graduated in 1864. He was a successful student, respected by the faculty and universally beloved by his fellows. After graduation he studied law at Columbia Law-School and in Judge Scudder's office at Trenton. It does not belong to me to speak of his brilliant career as a lawyer, as a jurist, as Chancellor. Others, better qualified and more competent, are to deal with that. I speak of him as I knew him, familiarly, fraternally, and loved him and respected him as a model of a Christian gentleman of manly virtue and untar-

nished honor, with the sympathy of a woman and the heart of a child.

If ever there was a person to whom Horace's tribute may be appropriately applied—

“Integer vitæ
Scelerisque purus,”

he was the man. Not only was he a man of sterling integrity in his official relations, but his life also was pure, free from taint of perfidy or stain of impurity. His very presence was pervaded by an atmosphere of refinement and cleanness which exemplified in him the Apostolic maxim, “to the pure all things are pure.” He came into close contact with vice and crime, but their lurid flames did not scorch him. He came forth, like the prophet of old, without the smell of the smoke on his garments.

His domestic life was ideal. In 1875 he married Miss Caroline Stockton Olmsted, and like two lovers they walked together, in the sweet harmony of true conjugal affection, to the end of his days.

Those who knew him only as he presided with dignity and official decorum on the bench, or were associated with him in untangling the mysteries of legal problems, would scarcely have recognized him when, laying aside the harness, he escaped the trammels of professional life and laid himself out for fun and frolic, as glad and gay in his release as a boy among boys, as he was the dignified and decorous man among men.

His home was the delightful resort of his friends, the enjoyment of which was enhanced by the charm of his conversation, by his princely hospitality, and the polished urbanity of his welcome; and, however untimely


their visits, or prolonged their stay, no one would ever suspect it from any change in the courtesy of his manner—a courtesy which only they who knew how priceless time was to him that died a martyr to his work, because he could not crowd a year's demands into the compass of a day, can appreciate at its worth. He was as excellent a guest as he was a host. No one was easier to entertain. He made himself at home in one's house: not with obtrusive claims on one's time or interference with affairs, but so fully appreciating whatever was done for him that he made one feel as if one were conferring an honor on him, when the honor was in having him for a guest. This facility in adapting himself to circumstances was, in no mean way, one of the secrets of his social success.

He was a Christian man, whose essential grace would cast a shadow upon the religion of many a prim sacramentarian. Hereditary grace made his character and his conduct what they were, in that it furnished the essential materials out of which his character was formed.

“His life was gentle; and the elements
So mixed in him, that Nature might stand up
And say to all the world, this was a man!”

JOSEPH GAMBLE.

Proceedings of Bar Association of Hudson County.

 ON Monday, April 23, A. D. 1900, all the Courts of Hudson County, and the Court of Chancery, were adjourned for the day in token of respect for the deceased Chancellor, and at noon a special meeting of the Bar Association of Hudson County was held in the Assembly Chamber in the City Hall of Jersey City, at which Associate Justice Lippincott, of the Supreme Court, presided.

This meeting, attended by a very large majority of the entire Bar of the County, was a notable gathering of the profession, and a profound expression of the great esteem and warm friendship which the Chancellor had won in his professional and judicial career.

A Committee was appointed to arrange for a subsequent meeting of the Bar of the entire State, under the joint auspices of this Association and the State Bar Association.

The following Resolutions, reported by a Committee consisting of Washington B. Williams, Jonathan Dixon, Allan L. McDermott, John A. Blair, Abram Q. Garretson, Jacob Weart and Isaac S. Taylor, were unanimously adopted:

Resolved, That the announcement of the death of the late Chancellor Alexander Taggart McGill arouses within us feelings of most profound sorrow.

This Bar, at which all of his professional life was spent, which has witnessed and shared in all his successes and triumphs, has from his long and in-

timate companionship learned to love him as a man—to hold the highest respect for his wide attainments, the sincerest admiration for his gentleness and courtesy of his manner—and the utmost faith in the loftiness of his purposes and his unchallenged fidelity to the duties of his great office.

He had great learning in the law, and his unwearying labors have solved many of the intricacies of that abstruse profession; he was a courteous gentleman in all the relations of life, and the uniform modesty and gentleness of his demeanor have set a high standard of judicial conduct; he was so fixed in his integrity of character that scandal never touched himself or his great office; he was pure in life and without reproach.

At the time of his death, scarcely past middle life, he had attained a position of such pronounced eminence as to shed lustre upon a profession distinguished by great names in every period—and to add further distinction to the records of this historic Commonwealth.

For thirty years Chancellor McGill had lived among us, had been entrusted with the care and management of large and complex interests, had occupied many positions of trust and confidence, had held offices of great responsibility and power, and from no source has one breath of suspicion, either against the purity of his motives or the correctness of his conduct, ever once arisen.

These noble qualities of his vigorous and active life, and the calm and splendid courage of his last days, when the end was known to be inevitable, and when with intent ear he could almost hear the welcoming music of the world beyond, will continue a memory of ever-increasing sweetness to those who knew him best and loved him most; but his unsullied reputation and his great labors are our inspiration, and the lasting heritage of the profession and the State.

Resolved, That we attend the funeral of our beloved Chancellor in a body, and that a copy of these Resolutions, duly attested, be transmitted to his bereaved widow, to whom our heartfelt sympathy in this great affliction is most sincerely extended.

The adoption of the foregoing Resolutions was preceded by the following eulogy, delivered by Hon. John A. Blair :

Address by Hon. John A. Blair.

“**T**HE announcement so recently made of the death of Chancellor McGill has everywhere awakened the sincerest sorrow, and we meet at this hour in the deep shadow of that event to pay our heartfelt tribute to his memory.

“It is eminently fitting that we, the representatives of the Bar of Hudson County, which he has adorned and exalted; we, among whom his professional life was spent and his distinguished honors won, should give appropriate expression to the feelings which oppress us all.

“Death is always sad. Though its victim in tottering age has descended far down the sunset slope of life, when in the words of the Preacher, ‘the grasshopper has become a burden, and desire has failed,’ even then the end comes at last amid shadows that are dark, and with tears that cannot be stayed; but coming at a time when one’s years entitle him to strong and vigorous manhood, when the sun is still high in the heavens, with many long, bright hours before the eventide sets in, with hopes not yet fulfilled, and with ambition but incompletely realized, then the dread messenger comes with double sadness.

“In this instance death comes with a feeling of peculiar closeness to me. I had known Mr. McGill since we were in college many years ago, and when I came to Jersey City in 1870 he was here in the practice of his profession, and, our circumstances being in many respects similar, I saw much of him then and I have seen much of him since, and it will be said of him, as of another :

“ ‘None knew him but to love him,
None named him but to praise.’

“His untiring industry in his chosen profession has illuminated many intricacies of the law; his modesty and uniform gentleness of demeanor have set a high standard of judicial conduct; his stern integrity of character has been an impenetrable shield, guarding the fair fame of the great office he so worthily held from the envenomed shafts of calumny; his unchallenged purity of life and the calm courage of his last days will be a memory of ever-increasing delight—all these are the lasting heritage bequeathed by him to his profession and his State.

“He loved the high, pure, sweet things of life—his home, his books, his duties, his familiar surroundings. I have heard him speak of his horses and his dogs, calling them by name as affectionately as if they were human; and I have never seen his anger more thoroughly aroused than at some attempted cruelty to these dumb friends of his. I think I never knew one who, if he could have had the opportunity to review and correct his life, would have made fewer changes in it. Not that it was perfect, but that every act of it was done with high motives, with clear and intelligent understanding, with a just sense of the personal responsibility involved, and with full appre-

ciation that, when once done, it was final and the record must stand as made, and that by that record he was willing that his life should be measured. He seems to have realized the full force of the lines of the old Persian poet :

“ ‘ The moving finger writes, and, having writ,
Moves on. Nor all your piety, nor wit
Shall lure it back to cancel half a line ;
Nor all your tears wash out a word of it.’ ”

“ He was, unhappily, so constituted that he could not say ‘ no ’ to the thousand thoughtless and unnecessary impositions of members of the profession, who found it easier and more satisfactory to consult him than their books ; and thus, with fatal patience, he listened and took upon himself a burden too heavy to be longer carried ; but he bore it in uncomplaining endurance until he finally sank down to rest and dreamless sleep.

“ ‘ True gentleman and candid soul,
Watchful alike of honor and of right.’ ”

Other addresses were delivered by JACOB WEART, ISAAC S. TAYLOR, CORNELIUS B. HARVEY, and MR. JUSTICE LIPPINCOTT, but the text thereof is not now obtainable.

Generally, throughout the State, other Bar Associations, or the members of the Bar of the several counties, met on the same day or proximate dates, and by their respective action testified to the universal sorrow caused by the Chancellor's death.

THE ESSEX COUNTY BAR adopted the following Minute and Resolution presented by a Committee composed of Hon. Cortlandt Parker, Hon. John R. Emery, Richard V. Lindabury, John R. Hardin and Oscar Keen:

Though long dreaded, the death of Chancellor McGill is a shock to his brethren of the Bar, and largely to all inhabitants of the State. They have long hoped against hope that his disease would not be fatal. Most felt sure that, at any rate, he would last out the present year's period of active session of the Courts, if not the term of his office. But his departure from earth has occurred, suddenly, at last, and has called upon us, all too soon to realize what we have lost.

The career of Chancellor McGill has been one to be envied. Called, to his own surprise, at the age of forty-four, to preside over the Judiciary of the State, succeeding a Chancellor whose admirable management of his great Court and strong and alert practical sense had been for years conspicuous, and to whom the preservation of the Court is greatly to be attributed, with an experience at the bar rather more in courts of law than of equity, and taking his seat when most members of the profession were disappointed that anyone should succeed his predecessor, he had a hard time before him. But his nature was so pure, simple and genial that he had little difficulty. Remarkable for sound sense, for intense industry, for peculiar modesty, for love of right, for unfailing amiability on the bench, and off it, although never failing to uphold the dignity of his Court, for sound learning, enlarged daily by devoted study, he soon won universal respect, and it was not long before he gained the affection of the Bar, of his associates in our highest Court, and of the community. Had he been satisfied with all this he might be with us still. But he was so intent,

not only upon doing justice, but upon doing it in such fashion that his opinions would contribute to the improvement of equity as a science, and to his own good fame, that he overworked himself, and, like one of his greatest predecessors, he died a martyr to sense of duty and to his desire to have everything to which he set his hand perfect.

Such a death is as glorious as that upon the battlefield, which, in fact, it closely, if not entirely, resembles.

And such a deathbed as his! So tranquil, so brave, so faithful! Such a sermon to all!

Who of us will not say as we follow him to the tomb, "May I die the death of the righteous, and may my last end be like his!"

Resolved, That a copy of this Memorial Minute be sent by the Secretary of this meeting to the widow of the deceased, be published in the Newark journals, be presented to the Circuit Court, with the request that it be inscribed upon its minutes, and be also presented to the Court of Chancery and to the Court of Appeals at the opening of their sessions.

The MIDDLESEX COUNTY BAR, at its meeting in the Court House in New Brunswick, took action as follows:

Alexander T. McGill in his private and professional life manifested those qualities of head and heart which attracted to him, and held firmly as friends, all who had the good fortune to know him. He was a gentleman of kind heart, discriminating intellect, unblemished character, and of unimpeachable integrity. His devotion to his profession, to which he gave all his faculties, achieved the accustomed and merited reward of just recognition and judicial preferment.

As a judge, his unwearied industry, his love of justice, his fixed habits of investigation and his resolute determination to solve and properly adjudicate the questions of law presented for his decision, attracted the attention and challenged the commendation of the Bar of the County in the courts of which he then presided.

As Chancellor, his kind and courteous demeanor to those whose professional duties required them to appear before him is well known to all practicing lawyers of this State. How patiently he listened to the arguments of counsel; how laboriously he examined all questions of equitable jurisprudence submitted to him, how clear, forcible and able was his final determination of those questions, are now recalled as well-established facts. He keenly felt and fully appreciated the requirements of the position of Chancellor of the State. It imposed upon him great responsibility and increasing labor. Indeed it may be truly said that Chancellor McGill yielded up his life to the laborious and exacting duties of that high office.

When we compare the opinions and official work of the late Chancellor with those of the able jurists who preceded him in that office we find that he loses nothing by the comparison.

As to any official so honestly and faithfully discharging the duty and performing the trust committed to him, as in the case of the late Chancellor McGill, it becomes eminently proper that testimonials of our appreciation of his services should be placed upon record; therefore,

Resolved, That this Honorable Court be and hereby is requested to order this report of the Committee of and representing the Middlesex Bar to be entered on the minutes of the several Courts of this County; also to order that a duly certified copy hereof be sent by the Clerk of this Court to

the family of the deceased, and that a copy be also furnished to the reporters of the several newspapers of this city.

A. V. SCHENCK,
JAMES H. VAN CLEEF,
J. K. RICE,
ALAN H. STRONG,
JOHN S. VOORHEES,
Committee.

IN CAMDEN COUNTY the expression of the Bar was embodied in the following Resolution:

Resolved, That in the death of Chancellor Alexander T. McGill the Bar of New Jersey has lost one of its most esteemed and distinguished members and the State one of its best judges—one whose name will find a fitting place in the line of illustrious Chancellors whose labors have given just renown to our equity jurisprudence.



Proceedings at the Meeting of the State
Bar Association, conjointly with the Bar
Association of Hudson County,

HELD AT THE COURT HOUSE IN JERSEY CITY ON
SATURDAY, MAY 5, AT 11 A. M.

AT this meeting the Court Room was crowded to its utmost capacity. Mr. James B. Vredenburg, President of the County Association, called the meeting to order and requested the selection of a temporary chairman, and a secretary of the meeting. Whereupon the Hon. Cortlandt Parker was unanimously chosen as such chairman, and Mr. Edwin A. S. Lewis as such secretary.

Address by Hon. Cortlandt Parker.

Upon taking the chair Mr. Parker said: "We all know, friends and brethren, the object with which we have met here to-day. It is not as the Bar of any particular County, it is the Bar of the State of New Jersey, first convened since the lamented death of our late Chancellor, Alexander T. McGill, to take measures, or rather to express our views in relation to the calamity which his death has produced to the State of New Jersey.

"I have at another place and in another way expressed my own views of the character of the affliction. It is hardly necessary for me to mention, as you all know, the friendship that I have always had for the late Chancellor,

and his own good will towards me, as towards all the members of the Bar. We all know, I say, without my repeating it, that I regard his death as one of those great losses which the State of New Jersey has lately suffered.

“ We have lost a Vice-President of the United States, a member of the Bar of the State; we have lost one who was for twenty years Attorney-General of the State of New Jersey, and of course a leading member of our Bar. We have lost others locally of great value to the community, and now has come, last of all, the chief of our judiciary, a gentleman who won his way from comparatively local fame to the highest reputation throughout the State, and who for years has been growing, quietly, unassumingly, unpretentiously, but always certainly, in the respect and in the affection of the Bar.

“ The Bar of New Jersey has been greatly blessed in its Chancellors. It has so happened that perhaps I alone can stand here and say that I have known every Chancellor of New Jersey intimately from the time that the Constitution of 1844 established the Court of Chancery.

“ First came a bland, genial, excellent gentleman, Chancellor Oliver Spencer Halstead, a man of rather rare attainments out of the path of law, as well as in the study of ancient law.

“ After him came Henry W. Green, and no Chancellor, living or gone, could their opinions be uttered, but would say that Henry W. Green was the chief of the Chancellors of New Jersey, and the greatest of her lawyers. He had been Chief Justice, and in that position had won the greatest fame, and at the end of his short career as Chancellor, only six years, I think, before he worked himself to death, left a fame which never can be surpassed, if it ever can be equaled. The opinions of that

Judge now carry weight, even though they were not expressed in actual decision of the cases.

“ Then, after him, this County and this section of the State supplied another learned and most admirable Chancellor, Abraham O. Zabriskie, whose fame is not dead by far, but who is now revered by all who have any knowledge of his career.

“ Next came Theodore Runyon, who, when he had performed the duties of the office of Chancellor for two terms, had established a reputation of the very best and had won his way to the hearts of all the Bar and the whole community in such a manner that, it has been rightfully said, he has helped to preserve as a separate Chancellorship that ancient, excellent and worthy institution—the Chancery of New Jersey.

“ After him came the man that we are now mourning, and he, young himself, experienced mostly in Law Courts, yet with the resolution to do his duty, and to do it all and to do it well, won his way till he stands on the same level with them all, and deserves the honors which since his death have been paid so earnestly, so warmly, so affectionately to his memory. That his mantle has fallen on good shoulders—that the mantle of Elijah has come to Elisha—we all believe. God grant that it may be so, that our assurance may become conviction by long experience!

“ Pardon me, I did not intend to say a word, but placed as I am here my heart has spoken more than I originally intended.

“ I have simply now to ask this meeting to take such action as is its desire.”

At the close of Mr. Parker's address a Committee composed of the Chairman (Mr. Parker), Hon. John R.

Emery, Hon. G. D. W. Vroom, Mr. Richard V. Lindabury, Hon. David J. Pancoast, Hon. William H. Morrow, Mr. Charles L. Corbin, Mr. Eugene Stevenson and Mr. Alan H. Strong, was appointed to prepare and report suitable Resolutions, which were subsequently presented by the Committee and unanimously adopted, reading as follows:

The members of the Bench and Bar of the State of New Jersey, sharing in the common sorrow at the early termination of the useful career of one of the most eminent and honored citizens of this State, desire to express the sense of their peculiar loss in the death of Alexander T. McGill, and their profound veneration and love for his memory. It is not possible to set out in words the full measure of the character and influence of this Judge, whose rare combination of qualifications for the varied duties of his high office inspired such general respect and confidence, and won such universal esteem and personal attachment from his associates on the bench, and from the entire profession.

Foremost of all his traits was that absolute integrity which, in the language as well as in the enduring lesson of Lord Bacon, "above all things is the portion and proper virtue of judges." He possessed a high moral sense and courage which pervaded every fibre of his being and gave a constant and unyielding character to the administration of the powers of his office, and extended his influence far beyond the reach of his merely judicial functions. Happily, also, this strong, pure character had the further endowment of great mental ability, and the calm fair-mindedness and sound practical sense that marked the highest order of judicial temperament.

This union of noble qualities, inspired by an

industry and devotion to duty so intense that it was deplored as too self-sacrificing, and graced by a kindly, unassuming and always courteous and considerate dignity of bearing, made Chancellor McGill an almost ideal head of a great administrative and judicial office. In the discharge of his purely judicial duties he brought a singularly collected and unprepossessed mind to the consideration of the question raised before him, and gave an unremitting attention to every argument and consideration urged by counsel, with an inexhaustible patience and an unfailing habit of seeking to reach and establish what seemed to him substantial justice.

These traits will always be treasured by his associates on the bench, and by counsel who practiced before him, among the delightful personal recollections of a beloved Judge, while the record of his judicial work, preserved in our reports, displays a learning, clearness and accuracy of statement and diction, a power of reasoning, and above all an inherent love of right and justice, which will always command the respect of judges and lawyers, and permanently establish his high reputation as a Judge. His life, all too short, shed an additional lustre on the administration of justice; his memory will be cherished in the hearts of all with whom he came in contact, and his name will be forever enrolled high among New Jersey's venerated Chancellors and Judges.

Your Committee asks the adoption of these Resolutions, with the additional request that a copy thereof be sent to the family of the deceased Chancellor, and that they be presented to the Court of Errors and Appeals and the Court of Chancery at their next terms, with the request that they be entered upon their minutes and files.

The Chairman then introduced as the speaker on behalf of the Court of Chancery the Senior Vice-Chancellor, Hon. Henry C. Pitney.

Address by Hon. Henry C. Pitney.

" Alexander T. McGill, Chancellor and Surrogate-General of the State of New Jersey, and Presiding Judge of its highest court, has passed away in the very prime of his beautiful manhood, at the point of his highest usefulness as a judge and a man.

" He was called away by that inexorable Power which brooks no denial, and though he fought long and well against the slowly encroaching folds of the grim monster, and was assisted in his courageous struggle by all that medical science and skill could devise, and all that the delicate touch of a devoted wife and of loving relatives and friends could do, he yielded at last, as yield he must.

" Why he should be thus stricken down at such an untimely season is known only to that overruling Providence which refuses as yet to solve the mystery to us.

" And although he passed away, as we with our human limitations feel, all too soon, yet not before he had made his mark deep and enduring upon the judicial history of the State.

" Future generations of students of jurisprudence will note those marks, and see shining through them the bright intellect that perceived so clearly, reflected so calmly, weighed so carefully, and finally judged so accurately. But they will perceive faintly, if at all, the high moral character of the man, as distinguished from the judge, and those nobler and sweeter qualities of the soul

which are engraved in still deeper lines upon the hearts of all who came in contact with him.

“Only those who knew him personally and came in close touch with him can fully appreciate all of the good and the beautiful that was in the man.

“It is most meet and proper that there should be this gathering of the Bench and Bar of New Jersey to commemorate the memory of our departed brother.

“It is most meet and proper that it should take place in this temple of justice, where, a score and more years ago, when a mere stripling—as we seniors would count him—he commenced his judicial career, first, as Public Prosecutor for the State in this great County of Hudson—and I say in that connection ‘judicial career’ because I hold that the office of Public Prosecutor is a semi-judicial one—and after that, as Judge of the Court of Common Pleas, having ordinary civil jurisdiction, original and by way of appeal; Judge of the Court of Quarter Sessions, having criminal jurisdiction; and Judge of the Orphans Court, having jurisdiction over the settlement of estates and the accounts of executors, guardians and trustees.

“Here in this house he first manifested something at least of the material of which he was made, and here we naturally come to render tribute to his memory.

“I deem it a great honor and privilege to be permitted on behalf of his brethren of the Equity Bench to lay my poor tribute on this altar. But I feel that I do not bring to this glad labor of love the power of expression adequately to impart the picture that is engraven on our hearts. I can hope only to suggest, not to describe.

“I was not so fortunate as to be personally acquainted with our departed brother in the early part of his career. Eighteen years my junior in age, sixteen

years my junior at the bar, and practicing his profession in a County to which my engagements seldom brought me, I have no recollection of ever having seen him to know him before the occasion of the trial of the Court House conspirators, which occurred just twenty-two years ago this week, in this house, before the late Justice Knapp, in which, with the late Attorney-General Stockton, our departed brother represented the State, and the late Governor Bedle and myself represented some of the defendants. Of the Judge and four counsel who were active in that drama, and the principal defendant, I alone survive.

“That proceeding occupied but a few hours, and afforded little opportunity for an acquaintance.

“I have no recollection of ever having seen him from that time until nine years later, when he was appointed Chancellor.

“I never argued a cause before him as Chancellor, and met him only on a few occasions, in matters *ex parte*, until he invited me to assist in the work of his Court.

“We all recollect that he took office as Chancellor at a time when the business of the Court was steadily increasing and the judicial force quite inadequate to dispose of that business with proper promptness, and that, until relief came from the Legislature, the work of the Court was much congested.

“I recollect that on one occasion, in the first year of his service, when this condition of judicial business was becoming burdensome to suitors, at a casual meeting on a railway train, I fell into familiar conversation with him on the subject, in which I suggested to him, as a remedy for the then present state of things, and until the Legislature could be induced to act, that he should choose some gentleman of the Bar in whom he had confidence, and in-

duce him to lay aside his practice and accept the position of Advisory Master, as a sort of steady business, and so work off the arrears. With great promptness he turned to me and said, 'Will you accept the position?' Quite as promptly I declined, for reasons which I then gave him.

"After the Legislature, in the session of 1889, had authorized the appointment of two additional Vice-Chancellors, I was requested by him in a note to call and see him upon a matter personal to himself, and did so without the least suspicion of the nature of the business, and was quite surprised when he tendered me the office of Vice-Chancellor. I took a day to consider it, and the next morning I called on him with my acceptance, but said that it must be on certain terms. I hope I shall never forget the expression of his face when, at his request, I stated those terms to be that he would never refer a cause to me for hearing in which one of my own sons was engaged either as solicitor or counsel.

"From that time on our relations naturally became close. In addition to frequent conferences with him individually as the head of the Court, on matters of practice and the like, he called, from time to time during the first years of my service, conferences of all the Vice-Chancellors, at which matters of importance under consideration were discussed and the views of the several judges called for and expressed.

"These conferences first revealed to me the exceedingly fine texture of the composition of the man, and the great and valuable qualities of the Judge. They form green spots in my memory. He was so kind, so careful, so considerate, and, withal, so wise.

"On only one of these occasions did I ever feel compelled or even disposed to differ with the Chancellor, and that was in his opinion in the famous Coal Combine case,

and in my difference I stood alone, the other Vice-Chancellors all agreeing with him.

“These conferences were omitted shortly after our judicial force was put upon its present footing. Of the earlier partakers in them Vice-Chancellors Van Fleet and Green have passed away, and only my brother Bird and myself remain.

“It is no disparagement to the memory of our deceased brother to say that a majority of the older members of the Bar were somewhat startled by his appointment, felt that it was somewhat experimental, and feared that it might not succeed. His line of practice and experience had been comparatively little in equity, his attention having been engrossed more especially by criminal business and the administration of estates in the Orphans Court.

“And then his youth added to this feeling of nervous doubt. Few men have been called upon at such an age to assume such responsible, varied and laborious duties.

“I doubt not that he himself felt embarrassed by the great undertaking he had assumed. But he essayed the task with characteristic courage, and with a result which we all know and appreciate. The fact that the business of the Court increased threefold during the thirteen years of his occupancy of the office, and was transacted to the satisfaction of the public, bears witness in that behalf.

“His great ambition and desire was to maintain the prestige, usefulness and popularity—if I may use that word in this connection—of the Court; and it was a source of great satisfaction and gratification to him at all times, and especially when disease was slowly creeping upon him, to feel that he had, in a great measure at

least, succeeded in his most worthy aim. And I think I may safely affirm that to this ambition and a high sense of duty he sacrificed his life.

“ He was particularly careful in all his judicial appointments; never allowed any political considerations, or those of mere policy, to influence him in the least.

“ He did, indeed, take care that the members of his Equity Bench should be equally divided in their original political affinities, so as to avoid all appearance at least of partisanship. But beyond that no considerations of politics or mere friendship, or personal obligation, ever influenced any of his appointments, whether judicial or executive.

“ That his administration of his great office was a complete success seems to be the unanimous voice of the Bar and people of the State.

“ How came it that one so young and untried achieved such results?

“ I answer he was blessed by nature with a sound and healthy mind; he was reared in a university town, in the pure and healthy atmosphere of home surroundings and untainted social influences. Steady and studious during his preparatory years, he emerged from his chrysalis state well equipped for the battle of life. Manfully and courageously he took up the work.

“ He did not attempt to scale the heights of success by leaps or bounds, nor did he embrace any of those factitious aids which allure but to disappoint. He rather chose the ancient way—the sure way—of untiring industry, close, unrelenting, painstaking application and attention to such work as came to him, and a severe and thorough study of every question that his work brought him to face.

“ He mounted the ladder slowly and laboriously,

step by step, never discouraged, ever looking upward and ever advancing, until at the age of thirty-two, and after a brief service in the Legislature, we find him occupying the important position of representative of the State in criminal matters for the County of Hudson.

“How well and faithfully and with what wise discretion and sound judgment he administered the duties of that office, you, his brethren of the Hudson County Bar, can bear testimony.

“Five years later we find him promoted to the office of President Judge of the Court of Common Pleas and Orphans Court and General Quarter Sessions of the Peace of his County.

“Here for the first time he was devoted to strictly judicial work, and of that work also let others speak.

“I will simply say that while during those successive years his studies and experience in those offices were not altogether in the line of an equity lawyer, he necessarily acquired a considerable knowledge of the law of the land, and a familiarity with various phases of human nature, useful in any sphere of judicial work.

“Such was his schooling when, at the—as we seniors would say—immature age of forty-two years he assumed the duties of Chancellor.

“He brought to the duties of that office a healthy, well-disciplined and evenly balanced mind, great intelligence and wide knowledge of affairs, a keen sense of justice, great industry, energy and courage, a high sense of duty and responsibility, and, withal, unflinching integrity. With these he succeeded beyond the expectations of his most sanguine friends.

“The time allotted me does not permit an attempt to speak at length of his judicial writings. They are characterized by clearness, conciseness, accuracy of ex-

pression, and sound reasoning, with no affectation of learning, but with a sufficiency of citation of authority to make them valuable to the student and investigator. All show careful research and consideration, and many great labor. Among the latter I will mention the Coal Combine case in Chancery, and the Gordon and Smith Will cases in the Prerogative Court.

“ Surprisingly few of his decisions were reversed on appeal. I find only about fifteen, of which some were mere variations rather than reversals, and others turned in the Court above upon reasons not presented to the Chancellor.

“ So much for the mere Judge.

“ Few, if any, judges have ever commanded to such a degree the respect and become so endeared to the hearts of his brethren of the Bench and the Bar as our deceased brother.

“ What was it in his character which commanded at once everybody's respect as a Judge, and everybody's love as a man? I venture to suggest that it was what may be properly termed its symmetrical and harmonious completeness.

“ In reviewing his characteristics we find no defective phases to regret and which must be overlooked in view of other and more excellent features. We find no use for the mantle of charity. In him no desirable quality was lacking. While he was not, perhaps, conspicuously great in any one feature, he was, on the other hand, not deficient in any that go to make up the ideal man. And then all these were beautifully balanced. No one of his faculties was unduly enlarged at the expense of another. His powers of perception and reflection were equally strong. His memory was not unduly developed at the expense of his reasoning powers. His intellect

was clear and bright and strong, but not cold or cruel. His sense of justice was keen and active, but cool and calm, and therefore accurate. His moral sympathies, though highly developed, never interfered with the deliberate weighing and measuring of the comparative values of the different considerations that should enter into a judgment.

“He was not afflicted with that unconscious, and therefore incurable, pride of intellect which deludes its happy victim into the confident belief that the operations of his mind are as accurate and its results as infallible as those of a modern calculating machine. On the contrary, he was always so far distrustful of his own work as to insure careful revision by the second thought.

“He was not possessed of that overgrown gift of ingenuity which oftentimes leads its possessor to deceive himself, and which, while most useful to the advocate, is most dangerous in the counsellor and the Judge.

“He was modest and entirely free from vanity, pure and high minded, ever faithful, ever true, ever generous, ever just.

“And then he had great decision of character.

“In all matters of duty, when once he had determined the path wherein it led him, no power was able to deter him from walking therein.

“Withal, he was an ideal gentleman; not alone that gentleman which is the product of the combined labors of the teacher of etiquette and deportment and the tailor, and which may excite our admiration but never our love or respect; but he was that gentleman who is the natural and blessed outgrowth of a lofty but active and practical altruism, ever sensitive to the rights and feelings of others, and therefore always kind and courteous to all. If he ever felt any of those weaknesses of temperament

that cause their victims to sometimes give way under sudden provocation and betray into unpremeditated harshness or infelicity in word or manner, he had fully overcome them before I knew him. To me and to all of us he was at all times the most thoroughly self-controlled and self-contained of men, ever manifesting the most genial, patient and forbearing temperament.

“Here we find the secret of his inimitable manner on the bench—dignified, but not forbidding; kind, inviting, encouraging and appreciative, but not familiar; always patient and cheerful, ever attentive—he was, indeed, a model Judge.

“Among the other beauties of his character was his enduring gratitude. He seemed incapable of ever forgetting a kindness shown him. During his last illness, and while he was restive under his enforced idleness and manifested a fear that the business of the court would suffer, the Vice-Chancellors, one and all, exerted themselves to induce the feeling on his part that the work of his Court was being cared for and done by his assistants, and for their endeavors he was ever expressing his gratitude.

“At the last interview I had with him, a few days before his death, as I sat alone beside his emaciated and well-nigh lifeless form, with his attenuated hand in mine, the last words that fell in a labored whisper from his feeble lips were, ‘You have all been so good to me.’

“There spoke the great heart—great in health and strength, great in sickness and weakness, great in death.

“Of him it may be truly said, ‘None knew him but to love him, none named him but to praise.’

“Of this great Judge and lovely man there remains, in this life, to us old men only his recorded words, and the sweet memory of his virtues. We may and shall

mourn his loss, but we cannot hope to emulate him; our characters are too far fixed and hopelessly crystallized to encourage us in that direction.

“But you young men just entering upon your professional careers, or mayhap having made a few years’ journey therein, may see in him an example of all the qualities and characteristics that make up a great and good man and a successful lawyer and Judge, and to you it is vouchsafed to strive, with promise of success, to attain the elevation upon which you have so lately seen him stand.”

At the close of Vice-Chancellor Pitney’s oration the Chairman announced the arrival of Chancellor Magie and that the meeting would proceed under his Presidency.



Address by Hon. William J. Magie.

“**G**ENTLEMEN of the Bar, permission to preside at the meeting of the Bar, called in memory of the late Chancellor Alexander T. McGill, is an honor highly appreciated by me.

“For thirteen years and over, from March 31, 1887, to April 21, 1900, Alexander T. McGill filled the high position of Chancellor of the State and presiding officer of the Court of Errors and Appeals, in all causes brought to that Court by writ of error, with eminent ability and success.

“It is highly proper that the members of the Bar and the Judges of the Courts should unite in expressing the sense of the loss suffered by the State, the Courts and the Bar in his death; and in arranging for a suitable memorial of him, to be spread on the minutes of the Courts and published in the reports.

“His useful and distinguished services in judicial positions, his earnest desire that every case which he took part in deciding should be rightly decided, his marked devotion to his judicial duties, his singularly upright character, his engaging personality, which won the respect and regard of everyone with whom he was brought in contact, and his pure life, will cause his memory to be cherished in the hearts of all who knew him.

“As to his judicial vocations, I deem it now improper to speak at large, for it may become my duty to express my sentiments in some of the Courts in respect

thereto, and it therefore seems to me fitting that I should proceed to call upon the gentlemen who have been selected to express the sentiment of the Bar.

“The next gentleman to address you is Hon. Jonathan Dixon, Associate Justice of the Supreme Court.”



Address by Hon. Jonathan Dixon.

“**I**N opening what I have to say I may be pardoned for relating an incident told me by Attorney-General Stockton in regard to the appointment of Chancellor McGill to the office in which he rendered his final service to the State. When Governor Green had determined not to reappoint Chancellor Runyon, and was considering the merits of others, the name of Judge McGill came up for discussion, but it was put aside because he was thought too young for so responsible a station. Not knowing that he himself had been mentioned, Judge McGill earnestly desired the appointment of a prominent member of the Bar with whom he had been professionally associated, and in advocacy of his deserts the Judge called on the Attorney-General. During that interview the Attorney-General noticed that Judge McGill's hair was sprinkled with gray, and then bethought himself that it was McGill's comparative age, not his actual age, which had led the Governor to give up the idea of making him Chancellor. Soon afterwards a conference between the Governor and Attorney-General resulted in the nomination of Chancellor Runyon's successor. By such slight occurrences are the streams of life often diverted.

“When Chancellor McGill was called to the head of the State Judiciary, it was not so much his youth (for he was then in the prime of life) as it was the course of his previous professional career that caused his brethren to hesitate in approval. A few years in general practice, a few more as Prosecutor of the Pleas, and a term as Judge of a Court almost engrossed in criminal business,

it seemed doubtful that this could have been sufficient to prepare him for the coming duties—and it was not. His liberal education at Princeton, the diligent clerkship which preceded his admission to the Bar, the native talent with which God had endowed him, and the confidence which came from the industrious exercise of his faculties; these furnished the requisite equipment. His course as lawyer, prosecutor and Judge had shown that in every station to which he had yet been called he had been fully equal to its requirements. And that gave assurance, or should have done so, that within the range of his profession he was fit for duty anywhere.

“ Sometimes it is said that even at the Bar of New Jersey there are common law lawyers, and equity lawyers, that such a distinction naturally exists—I do not believe it. As students and practitioners we are familiar more or less with both systems, and the same perceptive faculties, the same logical powers, and the same sense of justice guiding their exercise bring the same measure of success, whether in the discernment and application of the principles and rules of the common law or in the discernment and application of those of equity. Was not Henry W. Green equally distinguished as Chief Justice and Chancellor? And did not he whose memory we now honor step from the narrowest field of common law science into the widest realm of equity, with a vision that could reach its utmost boundaries? I will not speak of living instances of like character, and you can all forecast the judgment that will crown the noble life of him who presides in this assembly.

“ In scanning the official career of Chancellor McGill one is struck first with his conscientious readiness to take pains in the discharge of duty. This was especially exemplified by his treatment of a class of business,

which, if dealt with carelessly, was sure to bring public scandal upon his Court—I refer to undefended suits for divorce. Frequently aiming at a result which both parties desire, but which in the interest of society ought to be avoided, such suits offer great inducements for the fabrication of evidence which is presented unchallenged by the nominal opponent. But such evidence was not permitted to escape challenge by the State's sentry. In every case of that character the Chancellor took personal care to see that the jurisdiction of his Court was complete and that the testimony gave satisfactory credibility to the charge on which the prayer for divorce rested. Monotonous and uninteresting as the details usually were, he appreciated his responsibility as guardian of the family institution, and under that sense of duty he cheerfully performed a task otherwise irksome.

“The same painstaking temper is notably indicated by his judgment in the Gordon will case, where the question related to the authenticity of a writing offered for probate as a will. Of the multitudinous circumstances there adduced to support and rebut the claim of the proponent none failed of its due place and influence in the Chancellor's march to his conclusion.

“In another sphere of his jurisdiction, to which he gave a large share of his labor, he had remarkable success. In testamentary questions, whether they concerned the capacity or freedom of the testator, or the meaning of his will, the Chancellor rarely, indeed it might reasonably be said never, missed the truth. His clear intelligence discriminated accurately between the mists of age or disease which still leave a disposing mind and memory and those clouds of mental disturbance wherein remembrance vainly gropes to find the objects of affection and bounty. So too he did not confound the insinu-

ating influence of greed or malice with the tender ministrations of love or gratitude, or even hope, that uphold the tottering feet approaching the grave. And when the last will had been written, and he was called upon to declare the purpose of the testator, the Chancellor's insight into the hearts of men, his ability to realize for himself the natural tendency of human emotions, his humanity, in short, using that term in the sense of the Roman poet, when he said '*humani nihil a me alienum*,' this faculty guided him aright.

"In dealing with fiduciary relations, also, he displayed eminent capability, and when this is said, high praise is given him as an equity Judge, for equity claims unlimited and almost exclusive jurisdiction in that department of legal science.

"Here the Chancellor planted his standard in the forefront of morality, and thus marked the line to which must come for inspection every man summoned to answer for his fidelity to trust. No slipshod carelessness in method, no customary delinquency in official duty, no dim perception of honesty or responsibility, was there allowed to excuse or exonerate the trustee—whatever the complexities of his position, the trustee must either have discharged his trust, or in his effort to discharge it have been actuated by reasonable discretion and unfaltering integrity.

"The opinion of Chancellor McGill in the intricate case of *Williams vs. McKay* shows with what clearness of vision and firm grasp of principle he could blaze the true path of fidelity through the densest growth of circumstances.

"There is another branch of Chancery business which is scarcely judicial, but which demands a high order of ability.

“On the insolvency side of that Court, under the practice now in vogue of permitting corporations which have failed in the hands of their natural managers to be carried on by receivers appointed by and accountable to the Chancellor, it is not unusual for these officers to refer to the Court whenever extraordinary difficulties beset their course. In the solution of these difficulties the Chancellor must exercise such tact and sagacity as it is scarcely reasonable to seek outside of the ranks of those whose lives have been spent in the most important channels of trade and commerce. If he fail, harm will ensue to those whose interests are involved in the insolvent bodies. Until the time of Chancellor Runyon such matters were insignificant, but since his appointment they have been growing and still are growing at a rate almost incredible. To these concerns Chancellor McGill brought his painstaking disposition, his familiarity with affairs, a keen discernment and sound judgment, with most gratifying results. I think I may safely assert that a better showing could not be reasonably hoped for than that which his financial administration will afford.

“But the functions of a Chancellor are not confined to the Court of Chancery. As president of the Court of Errors he takes part also in the disposition of causes depending on the doctrines of the common law, and here likewise Chancellor McGill fulfilled the measure of his duty. The great variety of questions that came there as a last resort was met by him with equally varied learning and with unlimited patience and industry.

“No part of judicial duty in this State is more perplexing and wearisome than that which deals with the construction of statutes. In this branch of the law I have often reflected with something akin to envy on the functions of the English Judge. To him the will of Parlia-

ment is supreme. The true meaning of the act by which that will was last expressed forms the boundary of his investigation. How different and more arduous the duty of the American Judge. To him, when the intention of the Legislature has been ascertained, there remains the necessity of curtailing or even defeating that intention according to the behests of the fundamental law in State and Nation. Sometimes these fundamental laws are the indices of general principles, the spirit of which must be liberally maintained. Sometimes they are but the prescription of rigid rules, the letter of which only need be observed. But to whatever purpose they are framed, they bind the conscience of the Judge as the supreme law, the object of which he must discover and uphold despite, if necessary, legislative intent. Thus, to the American Judge statutory questions often entail the consideration of broad principles or the application of narrow rules which never disturb the meditations of his English brethren of the coif.

“In this department the task of the New Jersey Judge is rendered especially arduous by the fact that our Constitution contains provisions not suited to our physical conditions, so that the Legislature in its desire to promote public welfare often seems constrained to evade constitutional mandates. The difficulties thus made to confront the Common Law Courts none can appreciate who has not encountered them. On the one hand is their obligation to support the Constitution; on the other their desire to give effect to useful legislation. In municipal causes especially do these difficulties abound. In face of the injunction to pass general, and not special, laws for the regulation of municipal affairs, the Legislature too often sanctions a statute to meet a special case and not to go beyond it, but that it may be judicially

sustained the framers endeavor to give it a general form, and so it comes before the Courts. To outward seeming it embraces the whole State, but close inspection reveals a purpose and a power to touch only a single spot, and the Courts are driven to their wits' end in trying to decide whether they should approve or condemn. 'The voice is Jacob's voice, but the hands are the hands of Esau,' and it is not strange if sometimes a blessing rests where a curse should fall.

"To the solution of these difficulties, and others hardly less troublesome, Chancellor McGill brought a liberal spirit, an imperturbable judgment, clear thinking, and a patriotic aim, which assisted greatly in the work of the Court over which he presided.

"Such were the labors that formed the staple of his official life. What shall I say of the graces of his character? Modesty to a degree that made it almost a fault, so unobtrusive and retiring was his disposition. Scarcely was he sufficiently aware of his own powers to permit his opinions to have that weight in council which his associates knew they deserved.

"Then his dignified courtesy towards all who approached him. You know, better perhaps than I, how through long debates he listened, often tired but never fretful, to the discussion of propositions which, his experience taught him, were baseless or impregnable. You know, perhaps better than I, how discreetly he would aid the novice, or draw a gentle curb on the too impetuous assailant. But you cannot know better than I how uniform was his consideration for others in the private intercourse of friends. Harsh judgments, sharp sarcasms never passed his lips. Humor, mellow, kindly, delightful; observations upon men and things, which revealed the watchful student of current affairs, gave a liveliness to

his fellowship that was scarcely promised by his public demeanor. And how he relished an encounter of wits, and with sly insinuation would he urge it on until it ended in a burst of merriment.

"Then his cleanness! His trim and spotless raiment was but typical of the purity of his thought.

"It is not surprising that his personal traits won for him the absolute devotion of that private circle in which he was the central figure, and made his home the abiding place of love.

"Well, he has passed away. No more on this side the veil will his smile and handclasp greet us. But we cannot think he has vanished into nothingness. Somewhere still he has his being in the realm of thought and feeling. Somewhere still his spirit lives, and, it may be, even now is looking down upon this very spot, consecrated by the death of one with whom he used to sit here in judgment, and who, perhaps, was the first to welcome him on yonder shore.

"Await us, friends, we shall not tarry long below, and when we meet you, 'shall auld acquaintance be forgot, and never brought to mind?' Surely no."

THE CHANCELLOR—"The next gentleman who will address the meeting is Hon. Otto Crouse, of the Hudson County Bar."

Address by Hon. Otto Crouse.

“**I** AM not insensible to the flattering compliment, of the extraordinary privilege, accorded me on this memorable occasion. To echo the heart sentiments of the Hudson County Bar, to give expression, however faint and feeble it may be, to the love, admiration and esteem for Alexander T. McGill, is indeed such an honor as comes to one but rarely in this fleeting life. The place, the purpose, this splendid audience gathered from every County of the State he loved so well, to do honor to his memory, combine at once to excite one's self-distrust and kindle inspiration.

“And on the very threshold we ask ourselves what means this gathering of sympathetic souls. Who was this man for whom busy care for the time has been laid aside, and to recount whose life and virtues we are met within these walls, themselves still echoing with the years of his splendid work, a work more eloquent than the loftiest oration, more elevating than the most inspiring poem? Was he a great hero? A great commander of men led forth to martial strains of music? A great orator who swayed the multitudes, and stirred the souls of men by his eloquence? Was he a towering statesman, a leader of men? No, he was none of these. He was not clad in the armor of battle, nor did he lay claim to those transcendent qualities of eloquence or statecraft which attract the world by their resistless magnetism. Great he was, but his greatness is not measured by the common standards of the world, too often warped by the

heat of conflict or found untrue when tested by the high ideals of true manhood. He was great in his purity, great in his courage, great in truth, great in honor and fidelity. He was a peerless man, his a noble heart, an invincible soul.

“ ‘ And better than civic honors,
Or history’s iron pen,
Is the thought of his duty done
And the love of his fellow men.’ ”

“ Chancellor McGill was of Scotch-Irish ancestry. In him were blended the best traits of these two nations. His sturdy qualities, his hatred of all shams, his firm persistence, his quiet dignity, his marvelous shrewdness—these were the characteristics that marked his ancestors before they were transplanted from Scotland as early as the days of King James the First. His keen perception, his humor, his tenderness—these were bred in the bone on Irish soil. Brave to endure, unyielding in his convictions, stern and relentless against all that savored of evil—compassionate, sympathetic, as good and as gentle as the Doctor of the Glen—the very highlands of the North seemed to be his prototype, rugged and inured to the wintry blast, but softened by the beauty of the Scotch heather and the gentle tranquillity of the smooth-bosomed lakes lying in the laps of the Scottish hills.

“ He loved his race. The stern qualities of the Scotchman awakened in him profound admiration and commanded his respect; the subtle humor and simplicity of the Irishman won his heart.

“ Born of such ancestry a little more than a brief half-century ago, the formative period of his life, his

boyhood and early manhood, was spent amid scenes calculated to intensify the characteristics with which he was endowed by birth and race. On that April day just passed, when the golden sunshine of spring played with the shadows beneath the elms of Princeton, at the hour of noon the chapel bell tolled as if in sorrow for him whom it had called to duty so often in the long, long ago. Here he spent the second period of his life, from 1854 to 1864, the period when his early character was formed under the sunshine and shadow of Princeton theology. But the stern Calvinistic doctrines there inculcated were softened by other influences. The history of Princeton, its traditions, its story of patriotism, the high character of its citizenship, its institutions of learning, the academic atmosphere, the fame of its scholars, the refined tone of its social circles, all played upon the soul of the young student and made of him a harmonious man. They fixed for him the standards of thought and right reasoning; created for him the standard of morals and right living, and imbedded in his character the bright jewels which were ever after the shining qualities of his perfect manhood.

“In these early days his politics and his patriotism were as decided and unchangeable as his character. He allied himself thus early with the great Democratic party from principle, and from his earliest days that party had his unswerving allegiance, always following with unerring fidelity, always true to what was conceived by him to be the patriotic principles on which his party's true creed was founded. His patriotism was no less marked; and it was with his courage and his loyalty to his country that he heard her call, and while yet in his undergraduate days, emulating the heroism of Nassau's students in Revolutionary times, with the blessing of a

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loving mother and the benediction of a devout father, his name was entered on the nation's roll of honor—with men with whom he served till camp fever, contracted at the front, brought him back to home and fireside.

“Mr. McGill was formed in a heroic mould. He was brave without being bold, fearless but not rash. This characteristic was a physical one. He was a superb horseman, and with adroit skill, a fearless mastery, an iron muscle and unbending will, he found his chief recreation and physical pleasure in the early morning with his faithful animal. No summer sun was too hot, no icy blast too cold, to deter him from this diversion, often taken, indeed, more out of that unspeakable regard for the dumb animal than for his own comfort or pleasure.

“Reared thus, and thus inured to that devotion to duty which his early life was sure to inspire, when he had entered manhood's estate he came to Hudson County and made it his home and the theatre of a busy life. In those days, as in these, Hudson County was a place where qualities such as his were destined to shine and illumine a life. His learning, his profound and genuine moral earnestness, his logical mind and an unyielding grasp on the fundamental principles of honor and honesty, gave him at once a standing at the Bar which mere brilliancy or even genius would have failed to win. They gave him that same confidence of the public which in later years was the noblest fruit of his public life and his public service. They brought him in close contact with, and won for him the high esteem and intellectual respect of, such men at the Bar as Scudder and Ransom and the brilliant Gilchrist and a host of others whose names are now but memories of the past.

“Fortune, we are told, is blind. But if it be Fortune that planted the milestones in the career of Alexander

T. McGill, then the goddess deserves much more of praise than has been meted out to her by sages and philosophers who have lived in the ages that are past. His career was inevitable. He could not have been a laggard. His life could not have been a failure. It could not have been uneventful. It could not have been even a mild success. Nature had with lavish hand endowed him with splendid faculties and talents of a high order, and she had coupled with these qualities the determination to bring them to their full fruition. And so he had the conviction of the philosopher of old that though you live three thousand years, or as many myriads, no man can throw away any other life than that he is now living, nor live any other life than that he is now throwing away.

“A quarter of a century of this short life, so inexpressibly sad in the very haste with which it ended, was spent in the public service, and in every sphere of his public activity he was indeed a true and loyal public servant. As a law maker, as City Counsel, as Prosecutor of the Pleas, as Judge of the Court of Common Pleas, as Chancellor, and as Presiding Officer of the Court of Last Resort, he was exact and patient in all his deliberations, never satisfied with first appearances, never leaving a subject till the search was made exhaustive and complete.

“As a legislator, the honesty of his purpose was his simple and unerring guide; with the peace and welfare of the County in his keeping, a relentless abhorrence of evil, a stern and uncompromising hatred of crime, won for him the love of the law abiding, the fear of the guilty and the respect of all.

“In the exercise of a judicial prerogative of appointment unprecedented in the history of courts, his quick perception of the wise and strong gave him a singular

felicity in surrounding himself with a court of intellectual sympathy—men whose lustre has given added glory to that of their chief.

“As a Judge he was marked by an unswerving adherence to judgments formed after due deliberation, and in all the stations of his public duty he never incurred the reproach of any and in none did his genius suffer an eclipse by that of his predecessors.

“In private and in public Mr. McGill was the same mature, well-rounded man; the same man of action and man of thought; the same implacable enemy of everything that savored of the vulgar; there were the same simplicity, the same sincerity, the same purity, fidelity to duty and unaffected dignity—all joined together bit by bit to make of life a fine mosaic, a beautiful picture.

“He was a loyal son, a true brother, a loving and devoted husband. If he had a passion that burned more brightly than the lamp of duty, it was his passion for his home, and there within its sacred precincts shone the qualities of his heart; there his lighter nature was unmasked and there the ripple of his laughter lent its cheerful gayety to the atmosphere of a perfect peace and a harmony unrivalled. There he showed gentleness, a sweet reasonableness, an indefinable but most potent charm, and a refined and sensitive intellectuality that was all his own. And over all, as has been said of one of the immortals in history, there was the calm rationality of the philosopher and sage.

“And yet with all the impressive dignity which was so marked in the man upon whose memory we love to linger, with all his learning, with all the stern and unyielding qualities of moral righteousness, the morning and evening stars which made his benignity so harmoni-

ous were his ineffable gentleness and sweetness. He loved nature—spring, with her foliage, awakened in him thoughts and aspirations of the springtime of his own life; winter pictured in his imagination as the hard battle of life, and the falling leaf tinged by the hand of autumn reflecting that touch of sadness which came in the early youth of his old age with the first premonitions of an untimely end.

“He loved humanity. He loved men. He loved the dumb animal. The sweetest, tenderest picture of his life, like the tenderest picture the world has ever seen, the Christ picture, had its setting in a stable. There with tears of grief that came from a sorrowing soul he wept when his faithful horse, the dumb partner of his morning pleasures, died at midnight with his head across his master’s shoulder.

“In the death of Alexander T. McGill New Jersey has suffered an irreparable loss, but that death comes with peculiar sadness and closeness to the Bar of this County. With us, and for us, he was more than Judge, more than Chancellor. He was at all times our close confidant and wise counsellor. I fancy that the key to this universal sorrow is found in the firm belief of each one that for him the Chancellor had a special feeling. Some sentiment of personal regard perchance was uttered, some word of confidence dropped—some trifling confidence perhaps—something that laid one beneath the bonds of a love that henceforth naught could break. And then what an education, what a delight, to bask in the sunshine of his natural dignity, to drink in that cordiality which made intercourse with him more alluring than any sort of flattery. And yet, while he was loved by all who came thus close in contact with him, he was feared by those who suffered his just reproof, which came without

bitterness, even as his advice was given without harshness.

“The conduct of his life was a continual inspiration, an incentive to higher and nobler deeds, and as we now look back in calm reflection on this man of high nobility we hear in kind judicial tone these words:

“ ‘Demand not by what road or portal
 Into God’s City thou art come.
But where thou takest thy place, as mortal,
 Remain in peace and make thy home.
Then look around thee for the wise,
 Look for the Strong who there command.
Let Wisdom teach thee what to prize,
 Let Power direct and brace thy hand.
Then, doing all that should be done,
 Labor to make the State approve thee
And thou wilt earn the hate of none,
 And many will rejoice to love thee.’

“And so at last there came to the man of many labors bodily weakness and mental weariness, when with a languid hand he wrote ‘the spirit is willing, but the flesh is weak, and there is no outcome.’ And then the persistency of his Scotch nature and his lofty conception of duty urged him to grasp with tighter grip the slowly ebbing powers of an iron constitution—grasping, hoping, hoping against hope, so reluctant to leave the scenes he loved so well. He saw the world and all its beauty fading away, friends soon to be forever left, a home made desolate, and while he gazed with unaffected serenity into the face of death, his heart and his thoughts again turned to the scenes of his youth, whose placid shades he

had looked forward to as the harbinger of a reposeful rest after the active labors of life were done.

“Again the stately elms and the college campus, the historic home of patriotic Princeton, attracted his soul, and when the flickering spark which lived and shone, now fanned by the breezes of an exemplary life, now almost extinct, at last went out, there came an end, a sweet peace to a triumphant soul. And so he was laid at rest beside the master minds whose spirits shed a lustre about them—beside Witherspoon and Aaron Burr, McLean and Jonathan Edwards, McCosh and the Stocktons.

“In the limitless expanse of time that stretches out on either side of this short, flickering life the pessimist says oblivion lies; says all things fade away, become mere legends, and then simply fall into complete oblivion even for those whose fame has shone the brightest. But Alexander T. McGill lives in the hearts and memories of all who knew him, immortal, imperishable.”

The meeting then adjourned.



Proceedings in the Court of Chancery, May Term, 1900.

At the opening of the Term, Tuesday, May 15, the Resolutions adopted at the joint meeting of the State Bar Association and the Hudson County Bar Association, in Jersey City, May 5, were duly presented and read, and the Chancellor directed that they be spread upon the records of the Court and requested Vice-Chancellor Reed to respond for the Court.

Response of Hon. Alfred Reed, Vice- Chancellor.

“**A**T the February Term, 1896, of this Court, resolutions were presented commemorative of the late Chancellor Theodore Runyon. In directing those resolutions to be entered upon the records the sentiment of the Court was voiced by Chancellor McGill.

“The tongue then, so lately, so sadly, eloquent is now silenced forever. So soon are we called upon to speak of him who then spoke so fittingly of his accomplished predecessor.

“No expression of sorrow for his death or appreciation of his great services can add to what has been already said. Judges, lawyers and journalists have united in deploring his loss and in recognizing those great qualities of mind and character which distinguished him as a man and a jurist.

“In this universal expression of grief and eulogy the members of this Court unite. We sorrow for his loss; we are proud of his life. Every Judge is solicitous for the efficiency and honor of the Court of which he is a member. For these he does his best work; for these he rejoices in the excellence of his brothers' work; for these he takes a pride in the work and character of his chief.

“He cherishes the memory of his predecessors whose learning and character and industry have entrenched the Court in the respect and affection of the Bar and of the people and lifted it to a place where membership itself becomes an honor. Among the names of those who are and will be so remembered is that of Alexander T. McGill.

“Of his learning the reports of the decisions of the Courts over which he presided bear ample evidence; of his industry, the multitudinous affairs which underwent the scrutiny of his vigilant eyes, his lonely midnight labor, his broken health and immolated life all attest; of his exquisite amenity, every one, judge, lawyer or citizen, who approached him professionally or personally can bear witness.

“Above all, he had those undefinable attributes of personality which go to make up character. He was born with them. I knew him as a student reading law, and as a member of two Courts; as a youth he exhibited the same blended dignity and deference; he impressed me with the same feeling of respect and regard as he afterward did when he was advanced to the head of the Judiciary of the State.

“The chief of these characteristic attributes was a sensitive integrity. Every judge wishes to act and decide honestly; but men differ in their standards of propriety and in the fineness of their moral fibre.

“Chancellor McGill’s moral standard was so lofty and his moral instinct so sensitive that he detected the presence of extra-judicial influence, however insidious, and at once dislodged it from his mind. Such a Magistrate dignified the Court of which he was master and the judgments which it pronounced.

“Upon none were his great excellence of head and heart, his wisdom, his sagacity and his kindness, impressed so strongly as upon those whom he had selected to assist him in the work of his Court.

“By his counsel, by his encouragement, by his sympathy, he was ever solicitous to assist and stimulate them. He was ever watchful for their welfare. If he detected danger to one of them of a break from overwork or sickness, he hastened to relieve him, too often taking upon himself an undue share of the burden.

“Thus he won our love and regard and we will cherish his memory in profound veneration.”



Proceedings in the Court of Errors and Appeals, June Term, 1900.

The Court of Errors and Appeals having convened on Tuesday, June 19, Mr. Richard V. Lindabury on behalf of the State Bar Association presented and read the Resolutions which had been adopted May 5 at the meeting in Jersey City, and in so doing paid high and touching tribute to the memory of Chancellor McGill.

Hon. Cortlandt Parker presented and read the Resolutions adopted by the Bar Association of Essex County, and added further and eloquent tribute to the departed.

It is to be regretted that these two extemporaneous addresses were not reported and consequently are not now available for publication.

The following responsive address in behalf of the Court was delivered by Chancellor Magie:

Response by Chancellor Magie in Court of Errors and Appeals.

“IT is not easy to find appropriate words to express the response of this Court to the Resolutions adopted by the Bar and now presented to us, in reference to the death of our distinguished and beloved presiding officer. But we cannot permit the occasion to pass without giving voice to our high estimate of him, to whom these Resolutions are a fitting memorial, as a jurist and as a man.

“ Four of our number have served in this Court for the whole period—over thirteen years—during which Chancellor McGill was its presiding officer. Others have served here for periods nearly coincident with his service. All have had ample opportunity to observe and estimate his qualities.

“ The late Chancellor came to his office at a comparatively early age. It was known to the Bench and Bar of the State that, in the semi-judicial position of Prosecutor of the Pleas in the County of Hudson, he had won reputation for great fairness of conduct and vigor in prosecutions and that, during his service as Law Judge of the same County, he had successfully dealt with questions of probate and administration, and so acquired experience which would be valuable in the performance of the duties which would devolve on him as Ordinary and Surrogate-General. But it is not improper to recall that his qualifications for dealing with the important questions arising in the Court of Chancery under our system, and for performing the responsible duties of the Chancellorship, were not so well known. The opening of his new career was therefore carefully noted and observed. It was at once discovered and admitted by the Bar and his associates that in Chancellor McGill the State of New Jersey had found a worthy successor of the distinguished men who had preceded him in that high office, whose judicial labors had enriched our reports and extended the reputation of the New Jersey Judiciary beyond the borders of our State and Country.

“ The success of Chancellor McGill was due primarily and principally to his invariable habit of subjecting each case in the decision of which he took part to a comprehensive and exhaustive examination, so careful and minute that rarely did any detail having any relation to

the questions presented escape his attention. To the case thus laboriously studied he applied a trained and cultured mind, a logical method of treatment and a conscientious desire for the right result.

“ His opinions in the Court of Chancery and the Prerogative Court commence with the tenth volume of Stewart's Reports; those delivered by him in this Court in causes reviewed on writ of error commence with the twentieth volume of Vroom's Reports. They are luminous expositions of the law, expressed with a modesty characteristic of the man, but leaving no doubt of the deliberate convictions of the writer. From his entrance to office until waning health compelled him to drop his pen he took his full share of the labors of the Courts, with a devotion to duty never surpassed and rarely equalled. Upon these opinions the reputation of Chancellor McGill may well rest, for all of them bear the impress of his high and pure character, of his laborious research, of his wide learning and of his devoted love for right.

“ The intimate relations of the members of this Court have enabled us to discover and appreciate the fine qualities of our late friend and associate. He came to its conferences with conclusions in every case which were evidently the result of study and thought. He was ready to consider with candor the views of others. Not infrequently he was led to the adoption of other conclusions as a result of our discussions, but if his judgment was not convinced of error, he adhered to his first conclusions with courteous tenacity.

“ We hesitate to express our estimate of Chancellor McGill as a man and a friend, lest it shall seem to savor of extravagance.

“ His gentle dignity, his unfailing courtesy, his engaging personality, attracted the admiration and regard

of all who came in contact with him. There was, however, an innate reticence in his character that did not disclose to all the whole man. To us, who were permitted to penetrate behind his modest shyness, and to learn his true, loyal and loving nature, and to profit by his pure and incorruptible character, his loss can never be made good, and his memory as a friend will remain with us forever.

“The Resolutions will be entered in our minutes and published in the Equity Reports.”



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